

	UNITED STATES DISTRICT COURT	
	DISTRICT OF NEVADA	
3	THOMAS RIOS,	Case No. 2:23-cv-01486-ART-BNW
4		ORDER
5	v.	
6	DENTAL ASSISTANT,	
7		Defendant
8		

9 Pro se plaintiff Thomas Rios, an inmate in the custody of the Nevada Department
10 of Corrections, has submitted a complaint, as well as an amended complaint, under 42
11 U.S.C. § 1983. (ECF Nos. 1-1, 3). Plaintiff has neither paid the full \$402 filing fee for this
12 matter nor filed an application to proceed *in forma pauperis*. (See ECF No. 1).

13 **I. DISCUSSION**

14 The United States District Court for the District of Nevada must collect filing fees
15 from parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil-rights
16 action is \$402, which includes the \$350 filing fee and the \$52 administrative fee. See 28
17 U.S.C. § 1914(b). "Any person who is unable to prepay the fees in a civil case may apply
18 to the court for leave to proceed *in forma pauperis*." Nev. Loc. R. Prac. LSR 1-1. For an
19 inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the
20 following documents to the Court: (1) a completed **Application to Proceed *in Forma***
21 **Pauperis for Inmate**, which is pages 1–3 of the Court's approved form, that is properly
22 signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is
23 page 4 of the Court's approved form, that is properly signed by both the inmate and a
24 prison or jail official; and (3) a copy of the **inmate's prison or jail trust fund account**
25 **statement for the previous six-month period**. See 28 U.S.C. § 1915(a)(1)–(2); Nev.
26 Loc. R. Prac. LSR 1-2. *In forma pauperis* status does not relieve an inmate of his or her
27 obligation to pay the filing fee, it just means that the inmate can pay the fee in installments.
28 See 28 U.S.C. § 1915(b).

II. CONCLUSION

It is therefore ordered that Plaintiff has **until December 12, 2023**, to either pay the full \$402 filing fee or file a fully complete application to proceed *in forma pauperis* with all three required documents: (1) a completed application with the inmate's two signatures on page 3, (2) a completed financial certificate that is signed both by the inmate and the prison or jail official, and (3) a copy of the inmate's trust fund account statement for the previous six-month period.

Plaintiff is cautioned that this action will be subject to dismissal without prejudice if Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff to refile the case with the Court, under a new case number, when Plaintiff can file a complete application to proceed *in forma pauperis* or pay the required filing fee.

The Clerk of the Court is directed to send Plaintiff Thomas Rios the approved form application to proceed *in forma pauperis* for an inmate and instructions for the same and retain the complaint and the amended complaint (ECF Nos. 1-1, 3) but not file either at this time.

DATED THIS 13th day of October 2023.

Ben Wether
UNITED STATES MAGISTRATE JUDGE